

APPENDIX A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schlothauer et al.
Serial No.: 10/521,097
Filing Date: November 4, 2005
Title: *Composition*

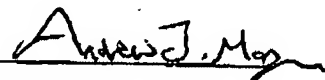
Art Unit: 1645
Examiner: Tongue, Lakia J
Attorney Docket No: 14923.0024

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION

1. I am Andrew Morgan, Chief Scientific Officer, Technology & Business Development,
2. The following microbial strain, described in the specification of the above-identified application, was deposited with the DSMZ-Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH ("DSMZ"), currently located at Inhoffenstraße 7 B, 38124 Braunschweig, Germany, under the terms of the Budapest Treaty: *Lactobacillus sakei* 570, as DSM 15889 on September 2, 2003.
3. The DSMZ is a depository in accordance with the Budapest Treaty for the above-mentioned microbial strain.
4. The deposits have been made under conditions of assurance of (a) that all restrictions imposed by the depositor on the availability to the public of the deposited microbial strains will be irrevocably removed upon the granting of the patent and (b) access to the deposit will be available during pendency of the patent application making references to the deposit to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under applicable statutes and regulations.
5. All statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: 21st APRIL 2009


ANDREW JOHN MORGAN

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE



INTERNATIONAL FORM

Danisco A/S
Langebrogade 1
PO Box 17
DK-101 Copenhagen K

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: DC 570	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSMZ 15889
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I. above was accompanied by: <input type="checkbox"/> a scientific description <input checked="" type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable).	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on 2003-09-02 (Date of the original deposit).	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I above was received by this International Depositary Authority on _____ (date of original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on _____ (date of receipt of request for conversion).	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Address: Mascheroder Weg 1b D-38124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Date: 2003-09-08

¹ Where Rule 6.4 (d) applies, such date is the date on which the status of international depositary authority was acquired.